

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT, EASTERN
DIVISION, IN MONTGOMERY, ALABAMA**

GENE COGGINS Pro st
1436 COUNTY ROAD #299
LANETTT, AL 36863
(334) 576 - 3263
Plaintiff

DEBRA F
U.S. DIS
MIDDLE

DISTRICT COURT NO.. 3:07 CV-0402 MEF

CITY OF JACKSON'S GAP and
JACKSON'S GAP POLICE DEPARTMENT
Defendants

GENE COGGINS
Plaintiff

DISTRICT COURT NO.. 3:07-CV-0406 MEF

TALLAPOOSA COUNTY and
TALLAPOOSA COUNTY SHERIFF DEPT.
Defendants

REPLY TO DOCUMENT #45-1

GUARANTEED CONSTITUTIONAL RIGHTS AND THE ESTABLISHED DUE
PROCESS OF LAW, THAT HAS BEEN DENIED AS GIVEN IN MY ORIGINAL
COMPLAINT, SERVED WITH A SUMMONS BY CERTIFIED MAIL TO THE ABOVE
DEFENDANTS ONLY. THERE WAS NEVER A THIRD PARTY TO THIS SUITE, THE
ATTORNEY GENERAL FOR THE STATE OF ALABAMA WAS ADDED BY JUDGE
MARK E. FULLER, WITHOUT A SUMMONS OR ANY FORM OF PERMISSION FROM
ME. ALL PARTIES LISTED IN THE ORIGINAL COMPLAINT, ARE INVOLVED UNTIL

A FINAL JUDGMENT RESOLVING ALL ISSUES BETWEEN THE PARTIES HAVE BEEN RESOLVED WITH THE EXCEPTION OF ATTORNEY FEES AND COST, ARE IMMEDIATELY APPEALABLE. *Budinich V: Becton Dickinson & Co.* 486, U.S. 196, 201, 108 S. Ct.. 1717, 1721, - 22, 100 L. Ed. 22d,178, (1988); *LaChance V: Duffey's Draft House, Inc.* 146, F. 3d, 8322, 837, (11th Cir. 1998)..

DIVIDING ALL PARTIES GIVEN IN THE ORIGINAL COMPLAIN, ADDING NEW ONES, PLAYING THE ROLE OF DEFENDANTS ATTORNEY, INSTEAD OF BEING TRUFFLE, MAKING PRE JUDGMENTS ON THE ISSUES AS PRESENTED BY THE PLAINTIFF, NOT REQUIRING AN ANSWER FROM THE DEFENDANT, WHERE BOTH PARTIES, HAD FAIR "DUE PROCESS OF LAW", NOT ALLOWING GUARANTEED DUE PROCESS OF LAW OR ANY CONSTITUTIONAL RIGHTS TO BE CONSIDERED AS A JUST AND LEGAL RIGHT THAT APPLIES TO ME, OR THE PROBLEMS CREATED, BY NON-EXISTING RIGHTS, IN ANY OF THE COURT SYSTEMS FOUND IN ALABAMA, NOT ALLOWING MY RIGHT TO APPEAR IN FORMA PAUPERIS AS FOUND IN RULE 28 - 38 U. S. C., PLACING MAJOR CASES BEFORE A MAGISTRATE JUDGE THAT IS ONLY QUALIFIED TO HEAR MINOR CASES, AD FOUND IN 9 Edmunds Cyclopedia of Federal Procedures 3919, THE TIMELY FILING OF A NOTICE OF APPEAL IS MANDATORY AND JURISDICTIONAL. *Rinaldo V: Corbett*, 256, F. 3d, 1276, 1278, (11th Cir.2001), in Civil cases, Fed. R. App. P. 4(a) (c).. AND NOT LEFT FOR ANY JUDGE TO TRY TO BLOCK OR DENY. THE IMPROPER AND ILLEGAL USEAGE OF RULE 28 TO AVOID ANY FORM OF SETTLEMENT ON ALL ISSUES AS COVERED UNDER THE DUE PROCESS OF LAW AS GUARANTEED BY THE CONSTITUTION OF THE UNITED

STATES, NOT REMOVING HIMSELF FROM THE CASE WHEN HE IS INVOLVED IN A PERSONAL LAW SUIT WITH THE PLAINTIFF, HOLDING CLOSED BACK DOOR MEETINGS WITHOUT BOTH PARTIES BEING REPRESENTED, MAKING THREATS AGAINST THE PLAINTIFF, NOT ALLOWING DEFAULT AND DEFAULT JUDGMENT TO BE ISSUED AGAINST THE DEFENDANTS, ALL OF THESE IMPROPER AND ILLEGAL FORM OF JUSTICE AS FOUND IN ALL OF THE CASES I HAVE PRESENTED TO THIS COURT, WILL CONVINCE ANYONE IN THIS COUNTRY THAT THERE IS NO LEGAL SYSTEM OF JUSTICE FOUND IN THIS STATE IN ANY LEVEL OF COURT. ALL OF THIS HAS BEEN REPORTED TO THE U.S. JUSTICE DEPARTMENT, FROM THE BEGINNING AND I HAVE THEIR ASSURANCE THAT ALL OF THESE IMPROPER AND ILLEGAL METHODS FOUND IN THESE CASES WILL BE DEALT WITH ..

JURISDICTION:

THE UNITED STATES CONSTITUTION SET UP DISTRICTS COURTS FOR LOCAL CASES TO BE HEARD IN THE PROPER JURISDICTION AND FEDERAL DISTRICTS COURTS FOR TRIALS INVOLVING CONSTITUTIONAL RIGHTS AND FEDERAL QUESTIONS AS GIVEN IN RULE 28 U. S. C. A. 81 s/s et seq. WITH ANY CONSTITUTIONAL QUESTION CAN BE APPEALED AT ANY TIME DURING THE PROCEEDINGS OF A CASE ALL THE WAY TO THE UNITED STATES SUPREME COURT. THE JURISDICTIONS REQUIREMENTS ARE MEET, WHEN THE LEGAL RIGHTS EXIST WHERE THE COURT HAS COGNIZANCE OF CASES INVOLVING ALL PROPER PARTIES ARE PRESENT AND POINTS TO BE DECIDED IS WITHIN THE POWER OF THE COURT, TO SETTLE ALL ISSUES BETWEEN THE PARTIES, EITHER

CIVIL OR CRIMINAL, WEATHER THEY BE ISSUES OF LAW OR FACTS, WITHOUT ANY RESTRICTIONS OF ANY KIND ADDED ON.. Fed. R. Civil P. 38 (a), 48, 59, Crim. P. 23, 33.. United Cemeteries Co. V: Strother, 342, Mo. 1155, 119, Ss. W. 2d, 762, 765. Harder V: Johnson, 147, Kan. 440, 76, P. 2d, 763, 764.

JURISDICTION IS THE POWER INTRODUCED FOR THE PUBLIC GOOD, OR BENEFIT, FOR THE ACCOUNT OF DISPENSING FAIR JUSTICE TO ALL CITIZENS.. THE SCOPE, POWER, AND INTENT OF JURISDICTION FOR THE FEDERAL COURTS IS GOVERNED BY RULE 28 U. S. C. A. s/s 1251, et Seq..

JURISDICTION IS NOT LIMITED TO SUBJECT MATTER OR AMOUNT SOUGHT IN THE LITIGATION, .BUT FACTS MUST EXIST FOR THE FEDERAL COURTS TO HAVE PROPER JURISDICTION ON ANY PARTICULAR CASE;

1. THE DEFENDANT MUST BE PROPERLY SERVED WITH THE ON GOING PROCESS,
2. THAT THE CONTROVERSY EXCEEDS A CERTAIN SUM,
3. THAT THE PARTIES ARE CITIZENS OF THE UNITED STATES.

Nobel V: Union Logging Railroad Co. 147, U. S. 165, 13 S. Ct. 271, 37 L.Ed. 123..

ALL OF THE ABOVE REQUIREMENTS HAVE BEEN MEET, AND THEREFORE NO FURTHER JURISDICTION QUESTION CAN PROPER EXIST..

A MOTION FOR DEFAULT AND DEFAULT JUDGMENT WAS FILED AFTER THE DEFENDANTS WERE PROPERLY SERVED AND FAILED TO PLEAD (I.E. Answer), OR OTHER WISE DEFEND THEM SELF THEY ARE IN DEFAULT AND DEFAULT JUDGMENT MUST BE ENTERED AGAINST HIM BY THE CLERK OF THE COURT.

ALL OF THE ABOVE REQUIREMENTS HAVE BEEN MEET, AND THEREFORE NO FURTHER JURISDICTION QUESTION CAN PROPER EXIST..

A MOTION FOR DEFAULT AND DEFAULT JUDGMENT WAS FILED AFTER THE DEFENDANTS WERE PROPERLY SERVED AND FAILED TO PLEAD (I.E. Answer), OR OTHER WISE DEFEND THEM SELF WITHIN THE ALLOWED TIME LIMITS, THE ANSWER BY A JUDGE IS NOT A LEGAL ANSWER AS THE LAW REQUIRES AN ANSWER FROM THE DEFENDANT OR THEIR ATTORNEY. THEY ARE IN DEFAULT AND DEFAULT JUDGMENT MUST BE ENTERED AGAINST HIM BY THE CLERK OF THE COURT. AS REQUIRED UNDER THE DUE PROCESS OF LAW.. Fed. Rule 55, WHEN ANY RULE OF LAW IS COVERED IN THE GUARANTEED DUE PROCESS, AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES, COVERING THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, WHERE THIS CONCEPT OF THE DUE PROCESS OF LAW, IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND HAS PRESTIGE OVER ANY OTHER RULES OF LAW, COURT ORDERS, OR JUDGES, THAT ATTEMPT FOR THIS NOT TO BE INCLUDED IN ANY COURT ACTION. U.S. V: Smith D. C. Iowa, 249, app. Supp. 515, 516. CREATING ANOTHER BREAKING THEIR OATH OF OFFICE TO UPHOLD THE CONSTITUTION OF THE UNITED STATES..

WHEN DEFAULT AND DEFAULT JUDGMENT IS FILED AFTER NO ANSWER. ANY ACTION FILED IN COURT IS NOT MERELY TO COMMENCE OF BUT MUST FOLLOW IT TO AN ULTIMATE CONCLUSION, BEFORE A TRIBUNAL, FOR THE PURPOSE OF DETERMINING THE GUILTY OR INNOCENCE OF THE PERSON THAT IS

CHARGED WITH THE CRIME.. U.S. V: Reisinger 128, U.S. 396, 9, S. CT. 99, 32, L.E.D. 480..

CONCLUSION:

THEREFORE, WITH ALL OF THE ILLEGAL PROCEEDINGS INVOLVED IN THESE CASES, COVERING THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, THIS CONCEPT OF THE DUE PROCESS OF LAW IS EMBODIED IN THE 5th AMENDMENT OF THE UNITED STATES CONSTITUTION AND HAS PRESTIGE OVER OTHER RULES OF LAW, THAT NO COURT OR JUDGE CAN CHANGE.. U.S. V: Smith D. C. Iowa. 249, APP, Supp. 515, 516... THE 11th AMENDMENT OF THE UNITED STATES CONSTITUTION IS THE PREVAILING LAW OVER WHO CAN AND CANNOT BE SUED IN THIS STATE, ALL OTHER STATE OR FEDERAL LAWS ARE ILLEGAL AND NOT ALLOWING ANY IMMUNITY TO ANYONE.

THE GUARANTEED CIVIL RIGHTS, AND DUE PROCESS OF LAW. THAT HAS COMPLETELY BEEN OVER LOOKED, THE FAILURE TO PLACE THE DEFAULT AND DEFAULT JUDGMENT AGAINST THE LISTED DEFENDANT, AS GIVEN IN FEDERAL RULE 55, TRYING TO CHANGE THE ORIGINAL DEFENDANTS AS GIVEN IN THE COMPLAINT AND ADD OTHER DEFENDANTS TO THEIR SATISFACTION, IS ANOTHER ATTEMPT TO DENY OR DESTROY MY GUARANTEED CONSTITUTIONAL RIGHTS..

THE UNITED STATES DISTRICT COURT, IS THE ONLY COURT THIS CASE HAS BEEN FILED IN, THEREFORE NO DECISION FROM ANY STATE COURT EXIST. STATE COURT HAS NO AUTHORITY OVER ANY GUARANTEED CONSTITUTION RIGHT OF THE DUE PROCESS OF LAW. THE CONSTITUTION OF THE UNITED

STATES IS THE DOMINATION LAW THAT GOVERNS ABOVE ALL STATE LAWS OR FEDERAL. THERE IS NO WAY TO SETTLE ANY CONSTITUTIONAL QUESTION LEGALLY IN ANY STATE COURT. WHEN ANY LOWER COURT REFUSAL TO DISSOLVE ALL ISSUES INVOLVED, BETWEEN THE PARTIES, ALL ISSUES STILL REMAIN IN THIS CASE. THE COURT OF APPEALS MUST HELP IN DISSOLVING ALL ISSUES INVOLVED IN THIS CASE, FOR THE LOWER COURT FAILED TO DO THEIR DUTY, AS GIVEN UNDER THE DUE PROCESS OF LAW.


YOUR RECOMMENDATIONS AND REPORT HAS TRIED TO TIE EVERY THING TO MOTHERS WILL, ANOTHER ILLEGAL FORM OF ELIMINATING THESE CASES WITHOUT BEING HEARD IN THE CORRECT MANNER, THAT IS REQUIRED UNDER THE DUE PROCESS OF LAW. YOU ARE NOT AWARE THAT MY MOTHER OWNED NOTHING AT HER DEATH, SHE HAD OWNED 20 ACRES OF LAND BUT MOTHER AND FATHER SOLD AND GAVE AWAY OVER 28 ACRES BEFORE THEIR DEATH, THEY SIGNED DEEDS FOR, AND THE HOUSE I BUILT FOR HER TO LIVE IN UNTIL HER DEATH, WHERE EVERYTHING WAS PAYED FOR BY ME INCLUDING THE LAND TAXES, WITH ALL BILLS IN MY NAME, MOTHER NEVER HAD ANY BILLS OTHER THAN UTILITIES IN HER NAME AND NEVER ANY BANK ACCOUNT.. THE PROBATE JUDGE (GLORIA SINCLAIR)HAD NO BUSINESS BEING INVOLVED IN THIS ANYWAY, FOR I PAID ALL TAXES FROM THE DAY I BUILT THIS HOUSE AND DID MAINTAINED IT ALL.. ALL DEFENDANTS NAMED IN THESE CASES HAVE BEEN INVOLVED DIRECTLY. IN DENYING OR DESTROYING MY GUARANTEED CONSTITUTIONAL RIGHTS, AND ALL HAVE DIFFERENT WAY OF THIS ILLEGAL

ACTION. THERE IS NO LEGAL WAY FOR ALL ISSUES TO BE RESOLVED BY BUNDLING ALL OF THESE TOGETHER, THESE CASES WERE PRESENTED TO THE DISTRICT COURT IN AND ACCORDING TO THE GIVEN RULES OF LAW, WITH EXPECTING A FAIR AND HONEST RESULTS, NOT KNOWING THAT THIS WAS GOING TO BE A BATTLE BETWEEN ALL OF THE JUDGES IN THE DISTRICT COURT SYSTEM. THIS SHOULD HAVE BEEN SETTLED HERE IF EVERYONE FOLLOWED THE DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION, AND AVOIDED ALL THE APPEALS AND CHARGES UP COMING FROM THIS PLAINTIFF V: JUDGES CASES. THIS TYPE OF COURT ACTION DOES NOT BELONG IN THE UNITED STATES JUSTICE SYSTEM. WHEN THE FINAL SETTLEMENT FOR ALL CASES INVOLVED IN DESTROYING MY GUARANTEED CONSTITUTIONAL RIGHTS ARE COMPLETED AND PUBLISHED IN MY BOOK "HOW ALABAMA COURT SYSTEMS PROTECT THEIR CITIZENS", THIS BACK DOOR METHOD OF JUSTICE FOR EVERY CITIZEN WILL END.


GENE COGGINS 10/26/07

CERTIFICATE OF SERVICE

1, GENE COGGINS, DO HEREBY DECLARE UNDER THE PENALTY OF PERJURY, THAT I HAVE PLACED UPON THIS DAY A COPY OF THE ON GOING CASE OR OTHER PAPER WORK INVOLVED WITH THIS CASE, IN THE U.S. MAIL, WITH PROPER POSTAGE, AND TO THE LAST KNOWN ADDRESS OR THEIR ATTORNEYS.

 DATE OCTOMBER 26, 2007
GENE COGGINS Pro st